Summary of Legislation

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BRITISH COLUMBIA

Ministry of
Community, Aboriginal
and Women's Services

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BRITISH COLUMBIA
Ministry of Community,
Aboriginal and Women's Services
Hon. George Abbott
Minister

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USING THIS SUMMARY

This is a summary of legislation passed in the Summer 2001, Spring 2002 and Fall 2002 Sessions of the Legislative Assembly of British Columbia that may be of direct interest to local governments. This Summary is presented in 3 parts.

Part A covers 8 bills that amend legislation which is the responsibility of the Ministry of Community, Aboriginal and Women's Services. Two of these bills were sponsored by the Ministry of Community, Aboriginal and Women's Services, and the remaining bills were sponsored by other Ministries.

Part B covers 16 bills that, while not significantly affecting Ministry of Community, Aboriginal and Women's Services' legislation, contain amendments that directly affect local governments.

In the description of a bill in **Parts A** and **B**, a reference to "section #" is a reference to the section of the bill (also referred to as an Act) which is making the amendments. A reference to "s. #" or "ss. #", on the other hand, is a reference to a section or sections of an existing statute or Act that is being amended. To illustrate - **sections** of Bill 54, *Miscellaneous Statutes Amendment Act (No. 2), 2002*, make amendments to **ss.** of the existing *Local Government Act*.

The information in **Parts A** and **B** as to the "in force" dates of the bills reflects the status of those bills as of February 11, 2003.

Part C provides an index to Ministry of Community, Aboriginal and Women's Services' legislation according to the Act and section amended in the summer 2001 or spring or fall 2002 session.

This Summary provides a brief description of bills passed in the Summer 2001, Spring 2002 and Fall 2002 Sessions that directly affect local governments. For complete listings and the full text of all bills from those Sessions, go to the Legislative Assembly of British Columbia web site at: www.legis.gov.bc.ca/proceedings/bills.htm.

This document is available at www.mcaws.gov.bc.ca/lgd/pol_research/legislation.htm.

The information in this Summary is provided as a guide for convenience only; while best efforts have been used in its preparation, it should not be relied on for accuracy.

Please take a moment to complete and return the user survey, to let us know if the Summary is useful to you and how it might be improved.

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AMENDMENTS TO MINISTRY OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES' LOCAL GOVERNMENT LEGISLATION

Bill 12

Community Charter Council Act, 2001

Sponsored by Ministry of Community, Aboriginal and Women's Services

The purpose of this Act is to establish the Community Charter Council as the body responsible for developing draft legislation that will establish a new foundation for municipal government.

Community Charter Council established

Section 1 of the Act establishes the membership of the Community Charter Council. The twelve members include:

- four representatives of provincial government interests (including the minister responsible for *Community Charter* as the Council chair),
- four representatives of local government interests, and
- four members at large.

Section 2 charges the Council with preparing a report to the Executive Council recommending legislation, to be titled the Community Charter, which will establish a new foundation for municipal government in British Columbia.

Principles to consider in preparing report

Section 3 provides the Community Charter Council with guiding principles for the preparation its report. Section 4 sets a deadline for delivery of the final report, and provides for extensions by the Lieutenant Governor in Council regulation.

Reimbursement

Section 5 provides for reimbursement of the Community Charter Council members for travelling and other expenses.

Consequential Amendment

Section 6 applies the *Freedom of Information and Protection of Privacy Act* to the Council and designates the Minister of State for Community Charter as its head for purposes such as of freedom of information requests.

http://www.legis.gov.bc.ca/37th2nd/3rd_read/gov12-3.htm

S.B.C. 2001, c. 35 (In force August 27, 2001)

Bill 25

Municipalities Enabling and Validating Act (No. 3), 2001

Sponsored by Ministry of Community, Aboriginal and Women's Services

Municipalities Enabling and Validating Acts are compilations of special amendments providing specified local governments with additional authority or validating their procedural errors.

The first provisions of the *Municipalities Enabling and Validating Act* date from 1958. In 1990, the first Act was retired and the *Municipalities Enabling and Validating Act (No. 2)* was introduced. That Act continued to compile amendments until 1999. *Municipalities Enabling and Validating Act (No. 3)* begins with this Bill.

Okanagan Similkameen Naramata parcel taxes

As a result of the arbitrator's award and costs stemming from the dispute between Blackwell Stores Ltd. and the former Naramata Irrigation District, which was take over by the Regional District of Okanagan Similkameen in 1995, the Regional District borrowed funds to pay the award and costs.

Section 1 of the Act enables the Regional District of Okanagan-Similkameen to impose a special equal share parcel tax despite the narrower scope provided for the design and impositions of parcel taxes in the *Local Government Act* by establishing a "Naramata special debt financing service." Unlike a typical parcel tax, an "equal share" approach which would allocate an equal share of the amount owing to each property but with no property owner having to pay more than once regardless of the number of parcels owed.

Funds borrowed or collected for the service would be limited to the discharge of the arbitration settlement and the Regional District is permitted to establish the criteria for varying the application of the parcel tax on the assessment rolls. The section also specifies the appeal and complaint procedures available to affected property owners.

Validation of anti-smoking bylaws

Anti-smoking bylaws may only be adopted by a local government following approval by the Minister of Health, a function which is often delegated to a Provincial health officer under the *Ministry of Health Act*. Section 2 of the Act retroactively validates all anti-smoking bylaws, from the time a Provincial health officer approved or purported to approve the bylaw until the time the delegation was properly confirmed under the *Health Act*.

http://www.legis.gov.bc.ca/37th2nd/3rd_read/gov25-3.htm

S.B.C. 2001, c. 44 (section 1 in force October 12, 2001; section 2 in force August 27, 2001 and retroactive as necessary)

Bill 8

Sponsored by Minister of State for Deregulation

Deregulation Statutes Amendment Act, 2002

This Act repeals several existing statutes, including the *Library Foundation of British Columbia Act*, and makes housekeeping amendments to several other statutes, including the *Local Government Act* and *Vancouver Charter*.

Ditches and watercourses

Sections 8 and 9 repeal Part 1 of the *Drainage, Ditch and Dike Act* and related forms, which required evaluation of the drainage conditions and apportionment of costs for necessary construction on land used for mining and manufacturing in designated municipalities.

Library Foundation of British Columbia

Section 15 repeals the *Library Foundation of British Columbia Act* as part of the government's deregulation initiative. This Act established the Foundation as an agent of the Crown for the purpose of accepting donations and encouraging public financial support of publicly funded libraries.

Section 43 is a transitional provision that authorises the minister responsible for public libraries to transfer the funds and property held by the Foundation to the Vancouver Public Library Board.

City of Vancouver officers

In 1998, amendments to the *Municipal Act*, now the *Local Government Act*, changed references to "clerk" and "treasurer" to "officer assigned responsibility under section 198" and "officer assigned responsibility under section 199." A variety of other Acts were consequentially amended to reflect the new language, although the references to the City Clerk and City Treasurer of Vancouver were inadvertently missed.

Section 20 amends the *Local Government Act* statutory officer definitions to include the City Clerk and City Treasurer of the City of Vancouver when those positions are referenced by another Act. Section 24 of the Act retroactively validates actions of these Vancouver officers that would have been valid if section 20 had previously been in effect.

Board of Examiners

Section 21 of amends the *Local Government Act* to extend the Board of Examiners authority to establish qualifications and standards for municipal or regional district employment to include improvement district employees.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov08-3.htm

S.B.C. 2002, c.12 (Sections 8, 9, 15, 20, 21, 24 and 43 in force April 11, 2002)

Bill 11

Miscellaneous Statutes Amendment Act, 2002

Sponsored by Ministry of Attorney General

This Act makes amendments to a variety of statutes, including the *Assessment Act*, the *Municipalities Enabling and Validating Act (No. 3)*, the *Taxation (Rural Area) Act*, and the *Vancouver Charter*.

Assessable improvements

Section 2 amends the *Assessment Act* to clarify that telecommunications towers continue to be assessable, despite an amendment to the *Assessment Act Regulation* that moved the towers from the Utilities class to the lower-rate Business class for assessment purposes.

Vancouver heritage property and heritage conservation area designations

In 1971, areas of Gastown and Chinatown in Vancouver were designated as Provincial historic sites to protect Gastown and Chinatown from redevelopment. The designations were made at the Provincial level because local governments at that time did not have the authority to protect heritage buildings. Sections 7, 25, and 30 to 38 amend the *Vancouver Charter* and the *Municipalities Enabling and Validating Act (No. 3)* to transfer the sites to the City of Vancouver.

Section 7 adds a provision to the *Municipalities Enabling and Validating Act (No. 3), 2001*, which deems the Gastown and Chinatown historic sites to have been designated heritage properties by by-law under the *Vancouver Charter*, and prevents claims for compensation for designation of these properties. The City of Vancouver is required to formally adopt a protected heritage property bylaw within 30 days under a revised process.

Sections 25 and 30 through 38 of the Act amend the *Vancouver Charter* to provide the City with similar authorities to those of other municipalities to establish "heritage conservation areas."

Vancouver investment and expenditure management provisions

Sections 26 to 29 amend the *Vancouver Charter* to broaden the investment powers of the City of Vancouver. Vancouver is also provided with authority comparable to that which is already available to other municipalities and the Municipal Finance Authority (MFA) for investment in securities and MFA investment funds. Authority for a debt repayment fund, delay of expenditures and application of securities held as investments from sinking funds is also consequentially provided.

Bill 11

(Continued)

Rural area tax notices

Sections 23 and 24 amend the *Taxation (Rural Area) Act* to permit the Surveyor of Taxes to issue a copy of an original tax notice that was not received by a taxpayer. The amendment applies the same terms and conditions to the copy as applied to the original, specifying that the taxes levied are due and payable within 38 days after the issue date of the copy taxation notice.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov11-3.htm

S.B.C. 2002, c. 22 (Section 2 deemed in force October 27, 2000 sections 23, 24, and 26 to 29 in force April 30, 2002; sections 7, 25 and 30 to 38 in force January 13, 2003)

Bill 32

Sponsored by Ministry of Water, Land and Air Protection

Waste Management Amendment Act, 2002

This Act amends the *Waste Management Act* in relation to remediation of contaminated sites.

Contaminated sites

Sections 1 through 6 amend the *Waste Management Act* to provide for circumstances in which a site is automatically determined to be a contaminated site. Sections 7 and 8 amend the mine site remediation provisions to eliminate duplication in regulating contamination at mine sites, remove disincentives to the transfer of mine ownership, and clarify the requirements for recovering site cleanup costs in court.

Waste Management Act requirements must be met

Sections 9 through 13 amend the *Island Trust Act, Land Title Act, Local Government Act*, and *Vancouver Charter* to clarify the language, and provide new ways for *Waste Management Act* managers to indicate that their concerns about contamination have been addressed.

In addition to the previous conditions under which a manager could authorize approval of an application, the officials named in these statutes may now approve a relevant application if the manager has:

- made a final determination that a site is not contaminated,
- determined that a site would not pose a significant threat or risk if the application were approved,
- received and accepted a notice of independent remediation of the site, or
- entered into a voluntary remediation agreement for the site.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov32-3.htm

S.B.C. 2002, c. 34 (In force May 9, 2002)

Bill 38

Environmental Assessment Act, 2002

Sponsored by Ministry of Sustainable Resource Management

The purpose of the new *Environmental Assessment Act* is to establish more streamlined and flexible environmental assessment procedures for major projects by replacing the *Environmental Assessment Act*, R.S.B.C. 1996, c. 119.

Development approval exemption

Section 55 amends the *Local Government Act* to provide an exemption to s. 920.1 of that Act so that development approval information is not required to be provided to a local government for "reviewable" projects under in s.1 of the *Environmental Assessment Act*.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov38-3.htm

S.B.C. 2002, c. 43 (In force December 30, 2002)

Bill 54

Miscellaneous Statutes Amendment Act (No. 2), 2002

Sponsored by Ministry of Attorney General

This Act amends a variety of statutes on behalf of several ministries, including the Ministry of Community, Aboriginal and Women's Services. The Act also amends legislation of other ministries that affects local governments.

Broadened authority of the Assessment Commissioner

The *Assessment Act* establishes the framework for the property assessment system in British Columbia. Linear utilities, such as telecommunications improvements and pipelines, are assessed by a non-market mechanism called commissioner's rates.

Section 1 amends s. 21 of the *Assessment Act* to provide the commissioner with authority to make an allowance in the commissioner's rates relating to linear utilities to take into account a decline in the cost of constructing and installing an improvement of similar function and make regulations to phase-in anticipated significant linear utility rate changes.

Immunity for individual municipal public officers and indemnification against proceedings

Greater boards are local government bodies incorporated under special Acts to provide specific services, typically water or waste services, on a regional basis. Sections 7, 11, and 13 repeal provisions of three such Acts, the *Greater Nanaimo Water District Act*, *Greater Vancouver Sewerage and Drainage District Act* and *Greater Vancouver Water District Act*, that are made redundant by the immunity for individual "municipal public officers" provisions under s. 287 of the *Local Government Act*.

Bill 54

(Continued)

Immunity for individual municipal public officers and indemnification against proceedings *(continued)*

Section 45 amends s. 287.2 of the *Local Government Act* to clarify the indemnification of other local bodies and to provide greater boards with that same authority as other local government bodies to indemnify public officers against damages and costs in actions, prosecutions or inquiries in the course of their duties in the service of the local body.

Clarification of property tax exemption

Sections 8, 12 and 14 amend the *Greater Nanaimo Water District Act*, *Greater Vancouver Sewerage and Drainage District Act* and *Greater Vancouver Water District Act*, respectively, to clarify that the greater board's property is exempt from property tax only if located in the area of the district and used for the purposes of the greater board.

Section 46 consolidates and replaces several specific *Local Government Act* powers for municipalities to exempt property belonging to a local government or greater board and located in a municipality with a general power to exempt such property.

Section 47 amends the *Local Government Act* to clarify that land and improvements owned or held by a regional district are exempt from property tax if they are located in the regional district. Section 47 also authorises a regional district board to exempt land or improvements belonging to a municipality, a greater board or another regional district and located in an electoral area in the regional district if used for the purposes of the local government or greater board.

Greater Vancouver Sewerage and Drainage District Ashcroft Ranch purchase

The Greater Vancouver Sewerage and Drainage District (GVS&DD) provides sewer, drainage and solid waste management services in the Lower Mainland. In anticipation of the future capacity requirements of their solid waste service, the GVS&DD acquired the Ashcroft Ranch property.

Sections 9 and 10 amend the *Greater Vancouver Sewerage and Drainage District Act* to provide the GVS&DD with the authority to purchase and operate the Ashcroft Ranch to carry on ranching and ancillary agricultural activities until needed. Section 59 adds a provision to the *Municipalities Enabling and Validating Act (No. 3)* that retroactively validates the purchase of the Ranch and any other actions taken in relation to the Ranch by the District.

Bill 54

(Continued)

Port leases

Despite s. 73 (1) (b) of the *Land Title* Act, which renders invalid leases of longer than 3 years on only a part of an unsubdivided parcel, the federal government policy for the transfer of regional port facilities to local port authorities requires those authorities to assume all the leases in place as a condition of the transfer.Section 60 adds a provision to the *Municipalities Enabling and Validating Act (No. 3)* to retroactively validate the otherwise unenforceable long-term leases assumed by local port authorities from the federal government.

Mineral tenures and mining

Sections 51 to 56 amend the framework for the mining industry in place through the *Mineral Tenure Act* and the *Mines Act.*

Section 51 amends the *Mineral Tenure Act* to create a two-zone system that defines lands as either open or closed to mining, to clarify the impact of Provincial land use designations on the right to mine. Under this amendment, a land use designation or objective does not preclude application for or approval of permission for mining activity by the recorded holder unless the location is in a park, ecological reserve or other protected area.

Section 55 amends the *Mines Act* to permit the chief inspector of mines to authorise permit exemptions for low-level mining exploration activities if the proposed work meets regulation criteria. This section also provides an exemption for pits and quarries from the requirement for a *Mines Act* permit when associated with authorisations issued by the Ministry of Forests, the Ministry of Energy and Mines, or the Oil and Gas Commission.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov54-3.htm

S.B.C. 2002, c. 48 (sections 1, 7, 11, 13, 45, 58, 60 in force May 30, 2002;
sections 9, 10 and 59 in force July 26, 2002;
sections 51 to 54 in force November 29, 2002;
sections 8, 12, 14, 46, 47, 55 and 56 in force by regulation)

Bill 62

Miscellaneous Statutes Amendment Act (No. 3), 2002

Sponsored by Ministry of Attorney General

This Act amends a variety of statutes on behalf of other ministries, including the *Municipalities Enabling and Validating Act (No. 3)* and the *Vancouver Charter* on behalf of the Ministry of Community, Aboriginal and Women's Services. It also makes amendments to the *British Columbia Railway Act* and the *Highway Act* which affect local governments.

Highway building and maintenance costs

Under the *Highway Act*, the Ministry of Transportation was solely responsible for all costs associated with building and maintaining arterial highways. Section 10 amends the *Highway Act* to permit more flexible cost-sharing arrangements. In cases where public-private or public-public partnerships are developed, other parties may enter cost-sharing arrangements with the Ministry of Transportation

Vancouver zoning near highway access intersections

The approval of the Minister of Transportation is required for all bylaws affecting lands within 800 metres of a controlled access highway. Section 11 amends the *Highway Act* to remove this obligation from the City of Vancouver, while section 17 adds a provision to the *Municipalities Enabling and Validating Act (No. 3)* that validates zoning bylaws made by the City of Vancouver without approval by the minister.

BC Cancer Agency exemptions

The *Vancouver Charter* contains specific property tax exemptions for certain hospital facilities, but no broad property tax exemption authority. Section 25 amends the *Vancouver Charter* to provide a specific property tax exemption for the British Columbia Cancer Agency Branch on West 10th Avenue in Vancouver, so as long as and to the extent that the property is used for cancer research and other charitable purposes.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov62-3.htm

S.B.C. 2002, c. 63 (Sections 10, 11 and 17 in force October 31, 2002; section 25 in force December 31, 2002)

OTHER LEGISLATION AFFECTING LOCAL GOVERNMENTS

Bill 11

Miscellaneous Statutes Amendment Act, 2001

Housing Construction (Elderly Citizens)

Sponsored by Minister of Attorney General

This Act repeals or makes amendments to a variety of statutes, including the *Housing Construction (Elderly Citizens) Act*, which authorized the grants to non-profit societies to assist in the construction of affordable seniors' housing and but required repayment upon sale or change in use of the property.

Sections 8 through 10 repeal the *Housing Construction (Elderly Citizen)* Act, the Senior Citizens Housing Regulation, and the Designation of Land Regulation, while section 29 permits the minister responsible for the British Columbia Housing Management Commission to cancel obligations under the Act or Regulations.

http://www.legis.gov.bc.ca/37th2nd/3rd_read/gov12-3.htm

S.B.C. 2002, c. 32 (Sections 8 to 10 and 29 in force September 14, 2001)

Bill 20

Lobbyists Registration Act, 2001

Restrictions on application of Act

Sponsored by Ministry of Attorney General

The purpose of this Act is to make government more transparent and accountable by requiring the public registration of paid lobbyists, including persons who lobby on behalf of governments.

Section 2 provides exemptions to the Act, including members and employees of local governments and other local bodies and authorities when acting in an official capacity.

http://www.legis.gov.bc.ca/37th2nd/3rd_read/gov20-3.htm

S.B.C. 2001, c. 42. (In force October 28, 2002)

Bill 22

Skills Development and Fair Wage Repeal Act, 2001

Fair wage requirements

Sponsored by Ministry of Skills Development and Labour

The purpose of the *Skills Development and Fair Wage Act* was to require minimum qualifications for employees and wage rates on publicly-funded construction projects, including local government projects that receive Provincial money.

The three sections of Act repeal the *Skills Development and Fair Wage Act* and similar "fair wage" provisions in relation to construction and repair of highways, ditches and public works.

http://www.legis.gov.bc.ca/37th2nd/3rd_read/gov22-3.htm

S.B.C. 2001, c. 42. (In force September 26, 2001)

Bill 3

Taxation Statutes Amendment Act, 2002

Sponsored by Ministry of Provincial Revenue

This Act amends a variety of taxation statutes, including the *Assessment Authority Act*, *Greater Vancouver Transportation Authority Act*, *Home Owner Grant Act*, *Motor Fuel Tax Act*, and *Social Services Tax Act*.

Application of *School Act* assessment and taxation exemptions

Sections 1 and 5 amend the *Assessment Authority Act* and *Hospital District Act* respectively, to consistently apply both the *School Act* agricultural land reserve exemptions and other exemption provisions in rural and municipal taxing jurisdictions.

Parking tax in the Greater Vancouver transportation service region

The Act provides the Greater Vancouver Transportation Authority (GVTA) the ability to increase its parking tax rate, previously fixed at 7%, to a maximum of 21%.

Sections 2 and 3 and sections 23, 29, 30 and 35 amend the *Greater Vancouver Transportation Authority Act* and *Social Services Tax Act*, respectively, to provide the GVTA with the specific authority to set a higher parking tax rate. In addition to the 21% limit, the amended provisions prevent an increased tax rate from taking effect for a minimum of two months after an authorizing bylaw is passed.

Validation of Home Owner Grant program eligibility criteria and supplementary forms

Section 4 amends the *Home Owner Grant Act* to permit the making of retroactive regulations prescribing eligibility criteria for persons with disabilities and the related forms for the purposes of the additional grant.

Section 38 then retroactively validates the use of the supplementary form between 1997 and 2001 for persons with disabilities, and confirms the eligibility criteria for that period, while section 39 prevents legal actions against the provincial government in relation to the additional grant during that time period.

Fuel tax in the Greater Vancouver transportation service region

Sections 20 and 21 amend the *Motor Fuel Tax Act* to increase the fuel tax payable to the Greater Vancouver Transportation Authority by 2¢, from 9¢ per litre to 11¢ per litre, on purchases within the region.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov03-3.htm

S.B.C. 2002, c. 19. (Sections 1 and 5 deemed in force December 31, 2001; sections 2, 3, 23, 29, 30 and 35 deemed in force June 1, 2002; sections 4, 38, 39 and 40 in force February 19, 2002; sections 20 and 21 deemed effective April 1, 2002)

Bill 6

Gaming Control Act, 2002

Sponsored by Ministry of Public Safety and Solicitor General

This Act replaces several gaming statutes, including the *Lottery Act*, *Lottery Corporation Act*, and *Horse Racing Act*. The new Act continues the mandate of the British Columbia Lottery Corporation to conduct and manage gaming on behalf of the Province, including lotteries, casinos and commercial bingo.

The Act assigns responsibility for gaming policy and legislation, standards, regulation, licensing, and enforcement, and distribution of gaming proceeds to the Ministry.

Grants in place of taxes

Section 12 permits the BC Lottery Corporation to pay a grant in lieu of taxes on real property held in the municipality.

Local government or first nation approval required for gaming facilities

Section 19 prohibits the Lottery Corporation from developing, operating, relocating or substantially changing a gaming facility without approval of the local government or first nation that has land use planning authority where the facility is located.

The section also requires that local jurisdictions seek and consider adequate community input, and consult with neighbouring jurisdictions or jurisdictions that may be materially affected by the proposal, before granting approval.

Dispute resolution as to location or relocation of gaming facility

Section 21 provides for a non-binding arbitration resolution process between adjacent jurisdictions where one files an objection to a proposed location or relocation of a gaming facility within the other. The BC Lottery Corporation must consider the results of the dispute resolution proceedings, and make its decision within 30 days of receiving a report of the results.

Enforcement

The Act provides the general manager of the Branch with authority to take action against gaming or horse racing licensees, for specified reasons, including conviction of a municipal bylaw offence or, in the case of horseracing, suspension or cancellation of a local government license. Where warranted, sections 36, 51 and 68 permit the general manager to cancel, suspend or impose conditions on gaming licensees and gaming service providers.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov06-3.htm

S.B.C. 2002, c.14 (Sections 2, 19, 21, 36, 51, and 68 in force August 19, 2002)

Bill 7

Freedom of Information and Protection of Privacy Amendment Act, 2002

Sponsored by Minister of Management Services

The *Freedom of Information and Protection of Privacy Act* provides the public with a legislated right of access to government records, and prohibits the unauthorized collection, use or disclosure of personal information by public bodies. The Act applies to provincial government public bodies, local public bodies, such as local governments, universities, colleges and school boards, hospitals and health boards, and designated self-governing bodies of professional organizations.

This Act amends the *Freedom of Information and Protection of Privacy Act* in a number of ways, including to:

Access requests
- require that access to information requests provide sufficient information to enable the request to be understood;
- require proof of authority to make a third-party request;

Timelines
- revise the definition of day to exclude Saturdays and holidays;
- suspend the clock while waiting for a ruling from the Information and Privacy Commissioner or for an applicant respond to the fee estimate issued by the public body;
- set a 20-day timeline to respond to fee waiver requests;
- double the time period for transfer of an access request to another public body to 20 days;

Disclosure of information
- broaden the scope of business information eligible for protection to include information generated by the public body about a company;
- clarify that personal information may be disclosed when another statute permits or requires it;
- provide narrow authority for disclosure of personal information between public bodies for common or integrated programs or activities and for public body duties;

Consistent purposes
- repeal the requirement for required public bodies to submit lists of consistent purposes to the minister responsible for the *Freedom of Information and Protection of Privacy Act*;

Power to disregard requests
- permit requests to the Information and Privacy Commissioner for permission to disregard frivolous or vexations access to information or correction requests; and

Fees
- permit public bodies to provide fee estimates before undertaking the work of retrieving the requested information.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov07-3.htm

S.B.C. 2002, c.13 (In force April 11, 2002)

Bill 21

Agricultural Land Commission Act, 2002

Sponsored by Ministry of Sustainable Resource Management

This Act repeals the *Agricultural Land Reserve Act*, *Land Reserve Commission Act*, and *Soil Conservation Act*, and replaces them with a new Act that incorporates some of the provisions from the repealed Acts and establishes the Provincial Agricultural Land Commission. The Act also repeals the *Golf Course Development Moratorium Act* and amends the land use provisions of the *Forest Land Reserve Act*, but retains the forest land reserve designations and the authority of the commission to regulate forest practices for private forest reserve lands.

Highlights of the Act include:

Provincial Agricultural Land Commission

- establishment of the Agricultural Land Commission to preserve agricultural land in the province and encourage of local governments, first nations, the Provincial government and its agents to promote farm use of agricultural land;

Dispute resolution on "community issues"

- authority for local governments and the Commission to resolve disputes over community issues through facilitated dispute resolution;

Use and subdivision of agricultural land

- requirement for local government support before the Commission approves an application for non-farm use or subdivision under specified circumstances;

Agreements and delegation

- authority for the Commission to enter into agreements with local governments for the delegation of power to decide inclusion and exclusion applications;

Exclusion applications

- authority for the Commission to:
  - exclude land from the agricultural reserve,
  - grant permission for non-farm use or subdivision of land within the agricultural land reserve, and
  - to exclude land from the forest reserve under the *Forest Land Reserve Act*;
- requirement for the Commission to amend the land reserve plan and notify the appropriate local government and registrar of titles when land is excluded from the agricultural reserve;

Conflict with bylaws

- requirement for local government land use bylaws to be at least as restrictive as the Act, regulations and orders of the Commission, or be of no effect; and

Enforcement

- authority for a local government to undertake inspections, make a determination of contravention and issue stop work, remediation, or compliance orders under specified circumstances.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov21-3.htm

S.B.C. 2002, c. 36 (In force November 1, 2002)

Bill 31

Environment Management Amendment Act, 2002

Sponsored by Ministry of Water, Land and Air Protection

The *Environment Management Act* provides the Minister of Water, Land and Air Protection with responsibility for management, protection and enhancement of the environment. This Act amends the *Environment Management Act* to consolidate and harmonize the enforcement powers of conservation officers into a single statute.

Consolidation of enforcement authorities

The amendments bring together in a Schedule to the *Environment Management Act* a list of all the 21 current statutes and regulations that provided conservation officers with enforcement authorities. The amendments also establish consistent enforcement powers for the exercise of these authorities, creating a single reference point for the range and scope of conservation officer powers.

Interagency agreements

The Act creates explicit authority under s. 8.2 of the *Environment Management Act* for the Conservation Officer Service to enter into partnership agreements with other environmental protection agencies at the local and federal levels, as well as in other jurisdictions, to:

- deliver law enforcement related to environmental protection or natural resource use,
- specify activities that may be carried out by an officer related to wildlife-human conflict response and management, and
- set up co-operative working agreements between the Service and other enforcement agencies.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov31-3.htm

S.B.C. 2002, c. 27 (In force May 9, 2002)

Bill 35

Deregulation Statutes Amendment Act (No. 2), 2002

Sponsored by Minister of State for Deregulation

This Act repeals or amends several statutes, including the *Home Owner Grant Act*. Under the *Home Owner Grant Act*, residential owner-occupiers may make an annual application to the local property tax collector for a grant, which is applied against the current-year property taxes.

Home Owner Grant Act

Sections 33 through 35 streamline the application extension provisions and permit the collector to refund any overpayment of current-year taxes as a result of receiving the grant.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov35-3.htm

S.B.C. 2002, c. 25 (Sections 33 to 35 in force July 5, 2002)

Bill 46

Attorney General Statutes Amendment Act, 2002

Sponsored by Ministry of Attorney General

This Act amends a variety of statutes that are under the stewardship of the Ministry of Attorney General, including the *Lobbyists Registration Act*. Members and employees of local government and aboriginal governing bodies are exempt from that Act when acting in an official capacity.

Restrictions on application of *Lobbyists Registration Act*

Section 1 of this Act adds employees of bodies that represent local governments, school district boards and local government authorities to the list of persons to whom the Act does not apply.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov46-3.htm

S.B.C. 2002, c. 37 (Section 1 in force May 30, 2002)

Bill 50

Advanced Education Statutes Amendment Act, 2002

Sponsored by Ministry of Advanced Education

This Act amends a variety of statutes that are under the stewardship of the Ministry of Advanced Education. Of interest to local governments are changes to the *Engineers and Geoscientists Act*, which authorizes the Association of Professional Engineers and Geoscientists of BC (APEGBC) to govern professional certification and examination of engineers and geoscientists in British Columbia.

Liability insurance for design professionals

Section 4 permits APEGBC to establish and administer a professional liability insurance program. It also extends the authority of the APEGBC to require, not just the current disclosure of whether professional liability insurance is held, but also that members hold professional liability insurance.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov50-3.htm

S.B.C. 2002, c. 35 (Section 4 in force May 30, 2002)

Bill 61

Drinking Water Protection Amendment Act, 2002

Sponsored by Minister of Health Services

Under the *Drinking Water Protection Act*, responsibility for the statutory framework for drinking water protection was split between the ministers responsible for health and for the environment. The Act amended the Health Act and Water Act, provided for inspection and enforcement of drinking water heath hazards and standards and qualifications in relation to ground water generally. At the time of its amendment, the *Drinking Water Protection Act* had not yet been brought into force.

Provincial Health Officer

Sections 1 to 3, 5 to 8 and 10 eliminate the joint responsibility for the *Drinking Water Protection Act*, placing responsibility for drinking water protection in the province on the shoulders of the Provincial health officer, who is appointed under the *Health Act*.

The Provincial Health Officer must now provide an annual report to the legislature on drinking water protection in the province and has the authority to take a drinking water problem directly to Cabinet if it cannot be resolved to his satisfaction.

Construction permits

Section 4 amends the construction permits and water supply system requirements provisions to provide the Provincial Health Officer, or his staff, with the ability to include terms and conditions on a construction permit for the construction, installation, alteration or extension of a drinking water facility.

Other planning processes

Section 9 adds a provision that gives precedence to a drinking water protection plan over all other planning processes and that requires the other planning processes be consistent with the drinking water protection plan.

Statutory right to reconsideration

Section 11 adds a statutory right to have certain decisions reconsidered by the drinking water officer or reviewed by the Provincial Health Officer or a medical health officer. Section 12 expands the scope of the provincial regulation making authority to include restricting the right to review.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov61-3.htm

S.B.C. 2002, c. 59 (In force October 31, 2002)

Bill 67

Transportation Investment Act, 2002

Sponsored by Ministry of Transportation

The *Transportation Investment Act* gives the transportation minister authority, under specific circumstances, to enter into partnerships to design, build, maintain or operate highways.

Public-private partnerships for highways

Part 2 of the Act provides the authority of the minister to enter into agreements, the mandatory and optional elements of the agreement, and the various rights and limitations.

Access to concession highways and tolling

Part 3 establishes the right of public access and mutual access obligations for all highways, including highways owned by local governments or to which interests, rights or obligations have been granted under a concession agreement. Part 4 establishes the framework for partners to operate a toll system.

General provisions

Part 5 provides miscellaneous provisions, including an amendment to the *Motor Vehicle Act* that permits ICBC to refuse to insure a person who has accumulated an excessive toll debt.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov67-3.htm

S.B.C. 2002, c. 65 (In force by regulation)

Bill 70

Residential Tenancy Act, 2002

Sponsored by Ministry of Public Safety and Solicitor General

The purpose of the new *Residential Tenancy Act* is to modernize the residential tenancy legislation with clarified responsibilities for landlords and tenants, streamlined processes, and simplified regulations, by replacing the existing *Residential Tenancy Act*, R.S.B.C. 1996, c. 406.

The Act regulates residential tenancies, including residential tenancies of manufactured homes and manufactured home sites rented under a single tenancy agreement. Tenancies solely of manufactured home sites are covered by the *Manufactured Home Park Tenancy Act*, 2002 (Bill 71).

Access to residential properties

Section 30 protects the right of tenants, and persons permitted on the property by a tenant, to access a residential property. The section also prohibits a landlord from excluding candidates from entering property to canvas electors or distribute materials.

Local government order as cause for landlord to give notice

Section 47 establishes the conditions under which a landlord has cause to end a tenancy. Under this section, a landlord many require a rental unit to be vacated in order to comply with the order of a regional or municipal government authority.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov70-3.htm

S.B.C. 2002, c. 78 (In force by regulation)

Bill 71

Manufactured Home Park Tenancy Act, 2002

Sponsored by Ministry of Public Safety and Solicitor General

The *Manufactured Home Park Tenancy Act*, which shares many common elements with the new *Residential Tenancy Act* (Bill 70), regulates manufactured home pad tenancies, where tenants usually own their home but rent the site on which their home sits.

Access to residential properties

Section 24 protects the right of tenants and persons permitted on the property by a tenant, to access a residential property. The section also prohibits a landlord from excluding candidates from entering property to canvas electors or distribute materials.

Local government order as cause for landlord to give notice

Section 40 establishes the conditions under which a landlord has cause to end a tenancy. Under this section, a landlord many require a rental unit to be vacated in order to comply with the order of a regional or municipal government authority.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov71-3.htm

S.B.C. 2002, c. 77 (In force by regulation)

Bill 73

Community Care and Assisted Living Act, 2002

Sponsored by Minister of State for Intermediate, Long Term and Home Care

The *Community Care and Assisted Living Act* provides for the licensing of community care facilities and the registration of assisted living residences and the frameworks within which the health and safety of persons living in such facilities and residences can be protected. This Act replaces the *Community Care Facility Act*, R.S.B.C. 1996, c. 60.

Certain laws not to apply

Section 20 of the Act permits small, licensed care facilities to operate despite certain enactments if the facilities otherwise comply with all fire and health requirements for a single family dwelling house.

Specifically, this provision dis-applies provincial enactments and municipal bylaws that would:

- limit the number of persons in care,
- apply only because the facility is not being used as a single family dwelling house, or
- apply only because the facility is operating as
  - a community care facility,
  - a charitable enterprise or
  - a commercial venture.

Required arbitration

In the event that an applicant for a community care facility licence is denied a variance from municipal fire and health regulations for single family dwellings, the applicant is entitled, under section 21 of the Act, to request that the matter be determined by arbitration.

As a result of an arbitration, which is to be conducted in accordance with the *Commercial Arbitration Act* and paid for by the applicant, the arbitrator may dismiss the application or order that the property be exempted from the regulations so long as the premises is operated by a licensee as a community care facility.

http://www.legis.gov.bc.ca/37th3rd/3rd_read/gov73-3.htm

S.B.C. 2002, c. 75 (In force by regulation)

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